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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls

## Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, submitted to the Human Rights Council pursuant to its resolution 32/17, the United Nations High Commissioner for Human Rights analyses the ways in which several grounds of discrimination intersect, and the impact that they have on the full realization of women's and girls' human rights. He also summarizes practices shared by States, identifies implementation gaps and makes recommendations.

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# I. Introduction

1. In its resolution 32/17, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to submit to the Council, before its thirty-fifth session, a report on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, with a view to identifying challenges and good practices. The present report was prepared pursuant to that request.

2. Accordingly, on 26 October 2016, OHCHR addressed a note verbale to Member States, intergovernmental and non-governmental organizations, international human rights mechanisms, national human rights institutions and academia seeking their views and information on the issue.

3. OHCHR received written submissions from Member States (Albania, Bahrain, Colombia, Cuba, Georgia, Kuwait, Mexico, Mali, Norway, Oman, Qatar, Serbia, Slovenia, Spain, Turkey and the United States of America), experts of human rights treaty bodies and special procedure mandate holders; national human rights mechanisms; and non-governmental organizations.[1]

# II. International framework

4. Several international instruments and human rights mechanisms explicitly recognize the impact of intersecting forms of discrimination on the enjoyment of human rights by women and girls They also recognize the need for specific and targeted protection of women and girls from multiple, compounded and/or intersecting forms of discrimination based on grounds such as race, sex, ethnicity, religion, nationality and migration status.

5. In 1993, the Vienna Conference on Human Rights addressed specific human rights violations suffered by identifiable groups of individuals. Building on the Vienna Declaration and its framework, both the Fourth World Conference on Women in Beijing and the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban addressed discrimination based on multiple grounds.

6. In the New York Declaration for Refugees and Migrants, adopted on 19 September 2016, Member States committed to tackle the multiple and intersecting forms of discrimination against refugee and migrant women and girls. The United Nations Declaration on the Rights of Indigenous Peoples recognizes the specific needs and rights of indigenous women, and calls upon States to take measures, together with indigenous peoples, to ensure that indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination. In its resolution 69/16, the General Assembly proclaimed 2015-2024 as the International Decade for People of African Descent, requesting States to adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status.

[1] The submissions are available on the OHCHR website at www.ohchr.org/EN/Issues/Women/WRGS/Pages/Report.aspx.

7. The Committee on the Elimination of Discrimination against Women has identified intersectionality as a basic concept for understanding the scope of the general obligations of State parties contained in article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. The concept of intersectionality captures the consequences of two or more combined systems of discrimination, and addresses the manner in which they contribute to create layers of inequality.[2] In its general recommendation No. 28, the Committee called upon State parties to legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them, and to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.

8. The Committee on the Elimination of Racial Discrimination noted, in its general recommendation No. 25, the gender-related dimensions of racial discrimination and focused on the intersectionality of race and gender in its work. The Committee also framed sexual violence against women belonging to particular racial or ethnic groups in detention or during armed conflict, the coerced sterilization of indigenous women and the abuse of women workers in the informal sector or domestic workers employed abroad by their employers, and other types of abuse and violence targeting specific groups of women as a form of racial discrimination directed towards them because of their gender.[3]

9. In its general recommendation No. 30, the Committee on the Elimination of Discrimination against Women found that, in conflict situations, specific groups of women and girls are at particular risk of violence, especially sexual violence, such as internally displaced and refugee women, and women of diverse caste, ethnic, national or religious identities, or other minorities, who are often attacked as symbolic representatives of their community, and that Stateless women and girls face heightened risks of abuse in times of conflict, including because many are undocumented and/or belong to ethnic, religious or linguistic minority populations.

10. With regard to women and girl refugees and asylum seekers, the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 32, noted that gender-related claims to asylum may intersect with other proscribed grounds of discrimination, including race, ethnicity/nationality, religion, class, caste, and being lesbian, bisexual or transgender or other status, and requested States parties, in accordance with the Convention relating to the Status of Refugees, to take proactive measures to ensure that the legally recognized grounds of persecution, including those enumerated in the Convention, were given a gender-sensitive interpretation.

11. In its general recommendation No. 34, the Committee on the Elimination of Discrimination against Women also noted how rural women, and in particular indigenous and Afro-descendent women, often face intersecting discrimination based on their ethnicity, language and traditional way of life, and that women belonging to ethnic or religious minorities may also experience higher rates of poverty and other forms of social exclusion.

12. The Committee further noted, in its general recommendation No. 24, that societal

[2] Report of the Expert Group Meeting on gender and racial discrimination, organized by the Division for the Advancement of Women, OHCHR and the United Nations Development Fund for Women, Zagreb, 21-24 November 2000.

[3] See also Committee on Economic, Social and Cultural Rights, general recommendation No. 20.

factors determine the health status of women, whereby special attention should be given to the health needs and rights of women belonging to disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child or indigenous women.

13. In its general recommendation No. 26, the Committee also noted that women migrant workers often experience intersecting forms of discrimination, suffering not only sex- and gender-based discrimination, but also xenophobia and racism. Discrimination based on race, ethnicity, cultural particularities, nationality, language, religion or other status may be expressed in sex- and gender-specific ways.

# III. Impact of intersecting forms of discrimination on women's and girls' lives

## A. Socioeconomic exclusion and poverty

14. The Durban Declaration acknowledged that racism, racial discrimination, xenophobia and related intolerance can be among the factors leading to a deterioration in women's and girls' living conditions, poverty, violence, multiple forms of discrimination, and the limitation or denial of women's and girls' human rights. Women and girls who are affected by intersectional discrimination based on gender, race, ethnicity, work and descent or religion often lack economic opportunities and decent work, and are overrepresented in low paid, often exploitative jobs such as domestic work (see for example A/HRC/27/68/Add.1, para. 83). In 2013, there were 53 million domestic workers worldwide, 83 per cent of whom were women, many belonging to racial or ethnic minorities.[4]

15. According to the International Labour Organization, about half of the world's migrants are women.[5] Poverty and discrimination are considered significant drivers of migration (see A/70/59, para. 9). The majority of women migrant workers are being channelled into traditionally female-dominated occupations, such as domestic work or in the garment and textile industries abroad, where they often work in precarious conditions. They are frequently excluded from labour law protection, affected by discriminatory residence regulations, such as sponsorship systems, and face the risk of a number of human rights abuses, including violence and forced labour.[6]

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[4] International Labour Office, *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, Geneva, 2013.

[5] See www.ilo.org/global/topics/labour-migration/policy-areas/migrant-domestic-workers/lang--en/index.htm. In the absence of a universal legal definition, OHCHR, in its *Recommended Principles and Guidelines on Human Rights at International Borders*, defines the term "international migrant" as "any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence".

[6] OHCHR, *Behind closed doors: Protecting and promoting the human rights of migrant domestic workers in an irregular situation*, New York and Geneva, 2015. See also Ray Jureidini, "Migrant workers and xenophobia in the Middle East", United Nations Research Institute for Social Development, programme paper No. 2, December 2003.

16. Women are deeply affected by intersectional discrimination when seeking employment or at the workplace. Stereotypes held by employers, colleagues or business partners, whether subtle or explicit, may surface during the hiring process or at the workplace. In France, an experiment showed that women with a Senegalese sounding name had 8.4 per cent chance of being called for an interview when applying for a job, compared with 13.9 per cent for men with a Senegalese sounding name and 22.6 per cent for women with a French-sounding name.[7] Women may be requested to conceal their cultural or religious identity, and face harassment or even dismissal for not doing so. They may be asked to fulfil additional selection requirements, be denied a promotion, asked to do lower level jobs, or earn less for the same type of work.

17. According to the Special Rapporteur on extreme poverty and human rights, the amount, intensity and drudgery of unpaid care work increase with poverty and social exclusion, while the situation is often worse for women who experience discrimination and social exclusion on other grounds, such as ethnicity, race, colour, health or marital status. Women and girls in poor households spend more time in unpaid work than in non-poor households because they have limited access to public services, adequate infrastructure and resources to pay for care services or time-saving technology. Intensive unpaid care work has a direct impact on women's and girls' ability to realize their rights throughout their lifecycle, as it limits their opportunities to have access to and progress in education, to participate in income-earning activities and to accumulate retirement incomes and savings, all of which contribute to their higher vulnerability to poverty (A/68/293, paras. 14 and 18).

18. Marginalized communities often live in areas that are geographically segregated and characterized by lack of public transport and infrastructure, basic services and clean water, inadequate housing and sanitation, high levels of insecurity and violence. Women and girls living in such areas can be disproportionately affected by the lack of housing, health services, including sexual and reproductive health services, education and employment, as well as the lack of protection by the State from insecurity and violence. According to the United Nations Development Programme (UNDP), the level of poverty of an Afro-Ecuadorian woman living in rural areas accounts for 87.3 per cent per unsatisfied basic needs, while the average of an urban Afro-Ecuadorian woman is 62.2 per cent.[8] Statistics also show that women of African descent have less access to housing,[9] health and education[10] than men of African descent and women not of African descent.

19. Intersecting forms of discrimination restrict women's and girls' access to land, financial assets and productive resources. According to the Special Rapporteur on violence against women, its causes and consequences, 64 per cent of all indigenous women in Guatemala are unpaid family workers, with little or no independent access to land, credit or other productive resource (E/CN.4/2005/72/Add.3, para. 11). The Working Group on the issue of discrimination against women in law and in practice noted that, in Peru, indigenous women are forced from their lands by the activities of extractive industries or informal mining operations, while compensation payments for communal land are mainly paid to male heads of households. As a result, indigenous women are deprived of their lands, drinking water and means of subsistence and agricultural production, lack access to opportunities for employment and skills development, and consequently often face extreme

[7] European Network against Racism, Afrophobia in Europe: ENAR Shadow Report 2014-2015.

[8] UNDP, Derechos de la población afrodescendiente de América Latina: Desafíos para su implementación, Panamá, p. 130.

[9] Ibid., p. 140.

[10] Inter-American Commission on Human Rights, *The Road to Substantive Democracy: Women's Political Participation in the Americas*, 18 April 2011, para. 94.

poverty, severe discrimination and both sexual and labour exploitation (A/HRC/29/40/Add.2, paras. 69 -70).

## B. Education

20. Intersectional discrimination affects the ability of women and girls to enjoy their right to education. The lack of access to quality education has a detrimental impact on their autonomy, opportunities and choices later in life, including with regard to employment and income, and health (see also A/HRC/35/11).

21. The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have drawn attention to the lack of access to education, prevalence of high school dropout rates and/or low enrolment rates among specific groups of girls, such as migrant and refugee girls, or on the basis of their sex and ethnicity, religion or work and descent in Albania, Bosnia and Herzegovina, China, Croatia, Czechia, Germany, India, Peru, Serbia, Spain and the former Yugoslav Republic of Macedonia.[11] The Working Group on the issue of discrimination against women in law and in practice found that, in Peru, the school dropout rate among indigenous girls aged between 12 and 16 years was 89.1 per cent (A/HRC/29/40/Add.2, para. 68). A survey conducted on discrimination against and the living conditions of Roma women in 11 Member States of the European Union showed that only 23 per cent of them remained in school after the age of 16, compared to 32 per cent of Roma men.[12]

22. High school dropout and low enrolment rates among women and girls affected by intersectional discrimination are closely linked to a combination of related multiple barriers that may include lack of access to gender-sensitive and intercultural education, lack of financial resources, lack of access to health services, including sexual and reproductive health services, unpaid care work, and the high prevalence of sexual and other types of violence (see A/HRC/35/11).

23. Discriminatory attitudes based on race, ethnicity, work and descent, gender or religion held by education personnel and fellow students may also prevent girls from having access to and remaining in school. Educational curriculum and teaching materials may reflect stereotypes and biases based on gender, race, ethnicity, work and descent, religion or other reason, and thus aggravate discrimination and lead to violence against women and girls in education.

24. Educational policies that support the exclusion of specific groups intersect with gender-related barriers and may compound discrimination experienced by girls. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights in their concluding observations (CERD/C/DEU/CO/19-22, para. 13; CERD/C/MKD/CO/8-10, para. 17(a); CERD/C/CZE/CO/10-11, para. 17; CERD/C/SRB/CO/1, para. 15; CERD/C/SVK/CO/6-8, para. 11 and 16;

[11] CEDAW/C/HRV/CO/4-5, para. 36; CEDAW/C/CHN/CO/7-8, para. 34; CEDAW/C/PER/CO/7-8, paras. 29 and 30; CEDAW/C/BIH/CO/4-5, para. 31; CEDAW/C/CZE/CO/5; CEDAW/C/DEU/CO/6; CEDAW/C/SCG/CO/1; CEDAW/C/BIH/CO/3; *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38* (A/55/38); *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38* (A/59/38); E/C.12/ALB/CO/2-3; CRC/C/15/Add.185; and CRC/C/15/Add.118.

[12] European Agency for Fundamental Rights, "Discrimination against and living conditions of Roma women in 11 EU Member States", Roma survey: Data in Focus, October 2014, p. 13.

CERD/C/HRV/CO/8; CERD/C/USA/CO/6; CERD/C/IND/CO/19; CERD/C/304/Add.109, para. 9; CERD/C/SVK/CO/9-10, para. 11; CCPR/C/MKD/CO/2; CCPR/C/USA/CO/3/Rev.1; CCPR/CO/72/CZE; CRC/C/CZE/CO/3-4, para. 65, E/C.12/UKR/CO/6, para. 25), the Working Group on the Universal Periodic Review (A/HRC/32/15, para. 120.76; A/HRC/26/12, para. 110.131; A/HRC/22/3, para. 94.113; and A/HRC/17/17, para. 77.49) and the Independent Expert on minority issues (A/HRC/19/56/Add.2) have addressed the educational segregation of refugee women and girls or on the basis of their ethnicity or work and descent in States such as Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Estonia, Germany, India, Latvia, Serbia, Slovakia, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America. The Committee on the Elimination of Discrimination against Women has also drawn attention to the fact that girls in Bosnia and Herzegovina are discriminated by mono-ethnic school systems, which have a negative impact on their education opportunities (CEDAW/C/BIH/CO/4-5, para. 31).

## C. Health

25. Factors such as race, work and descent or ethnicity have an impact on the access of the women and girls to sexual and reproductive health services and information, and the quality of medical treatment they receive. For ethnic minority women in Viet Nam, more than 60 per cent of all childbirths are without prenatal care, twice as many as for the majority Kinh women.[13]

26. Evidence shows that women with low social status or women who are economically excluded are disproportionately affected by maternal death. In the case of *Alyne da Silva Pimentel Teixeira (deceased) v. Brazil*, the victim, a woman of African descent, died after a stillbirth and serious postnatal complications owing to the denial of access to quality health care. The Committee on the Elimination of Discrimination against Women concluded that Alyne da Silva Pimentel Teixeira was discriminated against not only on the basis of her sex but also of her status as a woman of African descent and her socioeconomic background (CEDAW/C/49/D/17/2008, para. 7.7). According to the Gender Equality Observatory for Latin America and the Caribbean, in 2013, maternal mortality in the region Ngöbe-Buglé, in Panama, was 344 deaths per 100,000 births, against a national average of 71.[14]

27. Poverty is often aggravated by the absence of universal health care, which can further marginalize low-income groups. The Working Group on discrimination against women in law and in practice found that, in the United States of America, 28 per cent of people living in poverty were still uninsured in 2015; African-American and Hispanic women were disproportionally affected (A/HRC/32/44/Add.2, para. 61).

28. Women and girls affected by intersecting forms of violence and discrimination often lack access to information about the availability of services, their rights and entitlements. Intercultural and gender-sensitive services are often not available. Qualitative interviews with health providers servicing indigenous communities in Latin America found that providers themselves expressed difficulties in assisting indigenous women, often because of

[13] *World Development Report 2012: Gender Equality and Development* (World Bank, Washington, D.C., 2011), p. xxi.

[14] Observatorio de Igualdad de Género de América Latina y el Caribe, *Mujeres indígenas en América Latina: Dinámicas demográficas y sociales en el marco de los derechos humanos*, 2013, p. 66.

an inability to adequately communicate or understand their cultural practices.[15] Specific groups of women and girls are also often disproportionately affected by language barriers.

29. Women from particular ethnic or racial groups can face greater risk of forced sterilization, forced pregnancy or restrictions on the number and spacing of children. The forced sterilization of women from particular ethnic or racial groups in States such as China, Czechia, Peru and Slovakia has been addressed by the Committee on the Elimination of Racial Discrimination (CERD/C/CZE/CO/10-11, CERD/C/PER/CO/18-21 and CERD/C/SVK/CO/9-10), the Committee on the Elimination of Discrimination against Women (CEDAW/C/SVK/CO/5-6, CEDAW/C/CZE/CO/5 and CEDAW/C/CHN/CO/6), the Committee on Economic, Social and Cultural Rights (E/C.12/PER/CO/2-4) and the Working Group on the Universal Periodic Review (A/HRC/12/17). Ethnic and religious minority women in Myanmar are also affected by laws and local orders that coerce them to use contraception and restrict the number and the spacing of their children (A/HRC/32/18, paras. 20 and 43).

30. Intersecting forms of discrimination and violence can cause mental health problems, such as depression or anxiety. In Austria, Italy and Sweden, migrant women are more often affected by psychosocial disabilities, such as severe anxiety, and attempt suicide more often.[16]

## D. Violence against women and girls

31. Stereotypes and prejudice based on a combination of factors, including race, ethnicity, work and descent, religion and gender, expose women and girls to a greater risk of being targeted by various forms of violence. According to the European Union Agency for Fundamental Rights, attacks against women who are visibly Muslim have been reported for a number of countries where the majority of Islamophobic acts committed in 2015 targeted women (74 per cent in France and 90 per cent in the Netherlands).[17] The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance found that political parties with anti-immigrant and anti-minority agendas play a significant role in fostering fears among the population against a single religion, also noting the detrimental effects on Muslim women (A/HRC/15/53, paras. 59-60).[18] The Special Rapporteur on minority issues found that Roma women were stereotyped as promiscuous, which exposed them to a heightened risk of exploitation and sexual and gender-based violence (A/HRC/29/24, para. 34).

32. Women and girls experience violence at the hands of a variety of actors. The Working Group on the issue of discrimination against women in law and in practice noted that indigenous women in the United States of America are more than twice as likely as other women to be victims of violence, and that one in three will be raped during her lifetime. It was estimated that nearly 80 per cent of rapes of indigenous women were by non-indigenous men. The Working Group also referred to reports of police brutality and an increased number of homicides of African-American women by the police (A/HRC/32/44/Add.2, para. 78).

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[15] United Nations Population Fund (UNFPA), *State of world population 2012*, 14 November 2012, p. 56.

[16] See European Union Agency for Fundamental Rights, *Inequalities and multiple discrimination in access to and quality of healthcare*, Luxembourg, 2013, p. 37.

[17] European Union Agency for Fundamental Rights, Current migration situation in the EU: hate crime, November 2016, p. 6.

[18] See also A/HRC/32/50, para. 63.

33. Women and girls from ethnic and religious minorities and indigenous populations can be at particular risk of grave human rights abuses during conflict, including forced pregnancy, systematic rape, sexual abuse or sexual slavery.[19] Ethnic or race-based violence against women has been recognized as a weapon of war by both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, and prosecuted accordingly.[20] Recently, in South Sudan, Sudanese People's Liberation Army (SPLA) soldiers reportedly raped Nuer women; reports also referred to the targeted killing of Dinka women and children in Juba (A/HRC/34/63, paras. 26 and 32). In Myanmar, sexual and gender-based violence has reportedly been committed against members of minority ethnic and religious groups (A /HRC/32/18, paras. 32 and 60).[21]

34. Women have also been increasingly targeted by violent extremist and terrorist groups, who often see them as the repositories of cultural identity (S/2016/361, para. 21). In Nigeria, Cameroon, Chad and the Niger, grave human rights abuses against women and girls have reportedly been committed by Boko Haram, including killings, abduction, forced religious conversion to Islam, repeated beatings, forced marriage, forced pregnancies, forced labour and sexual slavery, violence and exploitation (see A/HRC/30/67). Similarly, in the Syrian Arab Republic, women and girls from the Yazidi community have been targeted by the so-called Islamic State in Iraq and the Levant (ISIL).[22]

35. Women and girls make up around 50 per cent of any refugee, internally displaced or stateless population.[23] Discrimination, inequality and violence are all significant drivers of precarious large-scale migration movements. On their journey and at their destination, many women and girls continue to experience violations of their rights at the hands of a variety of actors, such as members of their own family, social networks, employers, border guards, police officers, detention personnel, service providers, traffickers or abusive smugglers (see A/HRC/33/67).[24] A recent report jointly prepared by the United Nations Support Mission in Libya (UNSMIL) and OHCHR showed how women migrants in Libya are exposed to a number of human rights abuses, including rape and other sexual violence.[25] The Committee on the Elimination of Racial Discrimination expressed its concern at the abuse of indigenous women migrants from Guatemala, Honduras and Nicaragua when travelling through or arriving in Mexico, their vulnerability to kidnapping, torture and murder, and the discrimination and xenophobia that prevents them from seeking assistance and protection (CERD/C/MEX/CO/16-17, para. 20).

36. The Durban Programme of Action recognized that "root causes such as poverty, underdevelopment and lack of equal opportunity are often linked to discriminatory

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[19] Committee on the Elimination of Discrimination against Women, general recommendation No. 30.

[20] "At the crossroads of gender and racial discrimination", available from www.un.org/WCAR/e-kit/gender.htm. See also the United Nations Children's Fund (UNICEF), the United Nation Entity for the for Gender Equality and the Empowerment of Women (UN-Women), UNFPA, ILO and the Office of the Special Representative of the Secretary-General on Violence against Children, *Breaking the silence on violence against indigenous girls, adolescents and young women: a call to action based on an overview of existing evidence from Africa, Asia Pacific and Latin America*, 2013, p. 6.

[21] See also A/HRC/17/9, recommendation 107.67.

[22] See A/HRC/32/CRP.2.

[23] Office of the United Nations High Commissioner for Refugees (UNHCR), "Ending Statelessness", see www.unhcr.org/women.html.

[24] See also OHCHR, *Behind closed doors: protecting and promoting the rights of migrant domestic workers in an irregular situation*, New York and Geneva, 2015.

[25] UNSMIL and OHCHR, "Detained and dehumanised", report on human rights abuses against migrants in Libya, 13 December 2016.

practices that cause women's and children's vulnerability to trafficking, and give rise to racism, racial discrimination, xenophobia and related intolerance". The Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women have, in their concluding observations, referred to the trafficking of minority or indigenous women, including for purposes such as sexual exploitation or forced labour, in Japan, Germany, Bosnia and Herzegovina and the Congo (see CERD/C/JPN/CO/7-9, para. 16; CRC/C/COG/CO/2-4, para. 72; and CCPR/C/BIH/CO/1, para. 16).[26]

37. Data on violence against specific groups of women and girls are often missing or inaccurate. The lack of data at the national level on the extent of violence against migrant women and girls as alarming.[27] The identity of women or girls often remains unrecorded, while the lack of culturally appropriate and gender-sensitive assistance and services, and the lack of legal protection, including for survivors of violence, may contribute significantly to the underreporting of such violence.

## E. Women's autonomy, and the participation and representation of women in public life

38. Intersectional discrimination renders affected women and girls invisible in decision-making processes in their families, communities and society at large. The representation of women of African descent, for instance, is low even in countries where women increasingly participate in the work of executive and legislative branches.[28]

39. Women affected by intersecting forms of discrimination and violence may face restriction on their rights to freedom of association, peaceful assembly and collective bargaining. Women working in informal sectors and economically marginalized areas, including migrant women workers, are often excluded from national labour laws. They are poorly represented in trade unions or in other forms of organizations. They are therefore unable to promote agency or to raise their collective voice to claim their rights.[29]

40. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted how legislative provisions that prohibit the wearing of religious symbols, such as the Islamic veil, are discriminatory towards certain specific groups of women and undermine their fundamental freedoms, including their right to participate in public life (A/HRC/15/53, para. 59).

41. Women and girls may face greater risk of targeted violence in the public sphere. Cases of sexual violence perpetrated against women, including from ethnic and religious groups, to control, punish them for their perceived "countercultural" behaviour, or relegate them to the private sphere, have been reported. For instance, in the Central Africa Republic, Christian women have been raped for trading with members of the Muslim community (S/2016/361, para. 13).

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[26] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38* (A/59/38).

[27] See European Union Agency for Fundamental Rights, "Thematic focus: Gender-based violence".

[28] Ana Irma Rivera Lassén, "Afrodescendant women: our gaze fixed on the intersections of race- and gender-based organizing", Concept Document, Challenges and Opportunities of the Economic Empowerment of Afrodescendant Women, ECLAC, Brasilia, 13-16 July, 2010.

[29] "Cooperating out of isolation: the case of migrant domestic workers in Kuwait, Lebanon and Jordan", working paper, ILO Regional Office for Arab States, 2015.

## F. Equality before the law and access to justice

42. Harmful stereotypes and bias by State officials, including the police and organs of the criminal justice system, can lead to discrimination against women and girls affected by intersectional discrimination, resulting in violations of the rights to equal treatment before the law, fair trail and access to remedies. For instance, an inquiry conducted by the Committee on the Elimination of Discrimination against Women found that Aboriginal women in Canada were reluctant to report violence to the police mainly owing to police behaviour and bias, and that stereotypical attitudes towards Aboriginal women often had a negative impact on the quality of police investigation (CEDAW/C/OP.8/CAN/1, paras. 138 and 205).

43. The ability of women in vulnerable situations, including among indigenous women, minority women and women with disabilities, to have access to justice is inextricably linked to factors such as poverty, access to health and education, and recognition of their rights relating to land, resources and their status in society (see A/HRC/27/65). These factors may also increase the likelihood of women being detained.[30] In many countries, women from minorities and indigenous groups represent the fastest growing segment of the prison population; for example, the Special Rapporteur on violence against women, its causes and consequences, found that Aboriginal and Torres Strait Islander women and girls accounted for the largest prison population group in Australia, with legal frameworks and socioeconomic disadvantages contributing to this overrepresentation.[31]

44. The discriminatory implementation of laws, for example on nationality and citizenship, also create barriers to the full and equal realization of the rights by specific groups of women and girls. Minority, indigenous, migrant or refugee women are often confronted with such barriers when seeking access to services for formal registration of births, marriage, residence and other documents or relevant information on their rights (A/HRC/23/50, para. 86). The Committee on the Elimination of Discrimination against Women found that stateless women and girls face heightened risks of abuse in times of conflict because they do not enjoy the protection that flows from citizenship, including consular assistance, and also because many are undocumented and/or belong to ethnic, religious or linguistic minority populations.[32]

45. Discrimination based on gender, race, ethnicity or religion may also result in irregular migration status, which increases the risk of violence, detention and deportation. In the absence of State protection and firewalls that separate service providers from immigration officials, many may be afraid to report abuse and violence, which creates barriers in access to justice and also offers relative impunity to perpetrators.

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[30] See for example OHCHR, Rapport sur la situation des droits des femmes dans les lieux de détention au Sénégal, Dakar, March 2015.

[31] OHCHR, "End of mission statement by Dubravka Šimonović, United Nations Special Rapporteur on violence against women, its causes and consequences, on her visit to Australia from 13 to 27 February 2017", 27 February 2017. See also Amnesty International, "'Heads Held High': keeping Queensland kids out of detention, strong in culture and community", 31 August 2016.

[32] Committee on the Elimination of Discrimination against Women, general recommendation No. 30, para. 60.

# IV. Promising practices

## A. Legal frameworks, institutions and policies

46. The Durban Declaration and Programme of Action recognizes the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination. It also urges States to address racism and racially motivated violence against women and girls through policies and programmes, protective and preventive measures, effective implementation of national legislation and relevant international instruments.

47. In their submissions, Albania, Bahrain, Colombia, Cuba, Georgia, Kuwait, Mexico, Mali, Norway, Oman, Qatar, Serbia, Slovenia, Spain, Turkey and the United States of America drew attention to legal frameworks, policies, institutions and/or strategies in place to ensure equality and non-discrimination based on grounds such as sex/gender, ethnicity, race or religion to address violence against women and/or racism, racial discrimination, xenophobia and other related forms of intolerance.

48. Mexico, Serbia, Spain, Turkey and the United States of America had rendered the notion of prohibition of intersectional discrimination and the promotion of equality clear in their legal and policy frameworks. Mexico had put in place laws to protect women of African descent, and indigenous and migrant women, which were implemented by national plans and strategies focusing on the eradication of violence, providing access to health and information on sexual and reproductive rights, and had increased capacities, representation and political participation. The United States of America had enhanced the protections available for native American and immigrant women through the Violence against Women Reauthorization Act (2013), which provided resources for States and local communities to improve the response of the criminal justice system to cases of domestic violence, sexual assault, dating violence and stalking, and to support victim services.

49. In Spain, a law on equality between women and men required the public authority to consider the situation of specific groups of women, including minority and migrant women. It also had strategies to provide assistance to Roma women survivors of violence and to promote the empowerment of specific groups of women, including Roma and migrant women, in employment and education, among others. Serbia had implemented a national strategy for gender equality (2016-2020) and a strategy for national protection of Roma (2016-2025), which included measures for specific groups of women. The State's national plan of action for the integration of Roma and other minority groups (2016-2020) tackled the issues of violence against women and children through a package of primary health-care services. Turkey had adopted laws to identify and prioritize persons with special needs in international protection procedures, and had also established procedures to provide support through the issuance of identity documentation and shelters for women survivors of violence.

50. Norway and Guatemala had in place institutions and institutional frameworks to address intersecting forms of discrimination against women and girls. The institutional mandate of the Equality and Anti-Discrimination Ombudsperson in Norway required the Ombudsperson to see the different grounds of discrimination in context, to develop interdisciplinary skills to deal with multiple forms of discrimination and discrimination at the intersection of gender and other grounds of discrimination. Guatemala had specialized institutions for the eradication of racial discrimination and violence against indigenous women and girls; according to the information contained in the submission, achievements had, however, been limited owing to a lack of funding.

51. Colombia and the United States of America had developed multisectoral strategies to address intersectional violence against women and girls. Through a comprehensive multisectoral strategy, Colombia aimed to respond to the needs of survivors of sexual violence in the context of the conflict by means of access to justice, disaggregated information, integrated assistance, and prevention, protection and reparation directed in particular to specific groups women, such as indigenous persons, the Roma and Afro-Colombians. The United States of America was implementing a multi-partner and participatory initiative that brought together a variety of actors from the State, tribal law communities and a non-governmental organization working specifically on the issue of violence against native women, in the first-ever tribal human trafficking task force.

## B. Disaggregated data and research

52. The Durban Declaration recognizes the need to develop a more systematic and consistent approach to evaluating and monitoring racial discrimination against women, and also the disadvantages, obstacles and difficulties that women face in the full exercise and enjoyment of their civil, political, economic, social and cultural rights because of racism, racial discrimination, xenophobia and related intolerance. Data and research are crucial for the design, implementation, monitoring and evaluation of public policies and resource allocation that are informed by the needs of women and girls facing intersectional discrimination and violence. Data collection should be systematic, and integrate criteria beyond sex and age.

53. Albania, Colombia, Spain and the United States of America were making an effort to strengthen the collection of data based on various grounds. In Colombia, data on discrimination and violence against women and girls were disaggregated on various grounds and collected by the Observatory against Discrimination and Racism, an integrated system on gender-based violence and a national survey on discrimination, the first of its kind. In the United States of America, the Department of Labor and the Equal Employment Opportunity Commission required businesses with 100 or more employees to submit summary pay data disaggregated by sex and race or ethnicity, thereby helping to focus public enforcement of non-discrimination laws. In Albania, the Ministry of Social Welfare and Youth was improving its data collection on specific groups of women, including Roma or other groups of women. The State also produced statistics on primary and secondary education enrolments that were disaggregated by various variables. Spain has made efforts to determine the number of women who benefited from its Roma development programme through the collection of data disaggregated by sex.

54. Some States reported that they were conducting research on issues related to violence against women and girls from indigenous communities. Mexico had published a study on intimate partner violence experienced by indigenous women in three regions in Mexico.[53] In the United States of America, the National Institute for Justice had commissioned research to address gaps in evidence on the prevalence of violence against American Indian and Alaska native women living in Indian Country and Alaska Native villages.[54]

55. OHCHR is developing a set of principles and guidelines on the human rights protection of migrants in a vulnerable situation that will include a principle on data

[53] Instituto nacional de la Mujeres, "Violencia de pareja en mujeres indígenas de tres regiones de la Republica Mexicana 2011"

[54] See National Institute of Justice, Violence against Indian Women National Baseline Study, 21 January 2015.

collection and protection, including data disaggregated by various grounds. OHCHR in Guatemala has conducted studies and published manuals on racial, ethnic and gender-based discrimination against indigenous women.

56. Civil society organizations have also conducted research on the issue. In its submission, the European Network against Racism reported that it and civil society organizations in France and the United Kingdom of Great Britain and Northern Ireland had published a variety of reports exclusively on or containing information about discrimination and violence against women and girls based on various grounds.

## C. Monitoring and protection

57. Some countries have put in place or expanded national and multilateral mechanisms for monitoring and protection in order to improve the access of specific groups of women and girls to medical assistance, justice and protection from violence. Turkey has established a support programme for women and girl survivors of human trafficking that provides them with access to health, psychosocial support, legal and social services, education and training, access to the labour market, material support and information. In Mexico, the National Commission for the Development of Indigenous People offers training to advocates from indigenous communities, translators and public servants on the recent reforms of the penal system. At May 2016, the Commission facilitated the release of 386 indigenous women from prison.

58. Canada, Mexico and the United States of America have established the North American Working Group on Violence against Indigenous Women and Girls. In the context of this initiative, the United States of America launched the first crisis line for Alaska native survivors of domestic and sexual violence, and released the first set of uniform clinical care guidelines for the identification of and response to intimate partner violence within a system of medical care and referral that is patient-centred, culturally sensitive and trauma-informed. The United States of America also provides funding to States and State and tribal coalitions to develop more effective responses to violence against women from American Indian and Alaska native populations, and specific cultural and linguistic populations.

## D. Capacity-building of professional categories

59. In their submissions, some States explained that they were implementing initiatives to address discrimination and violence against specific groups of women and girls by building the capacity of the judiciary, law enforcement agencies and health-care providers in the use of gender- and culturally sensitive approaches. The United States of America trained and provided technical assistance for crime victim service providers and allied professionals to address language and cultural barriers that intersect with gender in policing, as well as other intersectional issues throughout the criminal justice system. Mexico sought to strengthen indigenous women's access to justice by building the capacity not only of the judiciary but also of translators and advocates from indigenous communities. Mexico has also developed a module for providing culturally sensitive obstetric health services to its indigenous and Afro-descendent populations. Spain has designed a protocol for assistance provided in the context of violence against women in the Roma community, which includes measures to build the capacity of technical personnel working on the issue. The protocol was part of the national strategy for the social inclusion of the Roma population in Spain.

60. Some civil society organizations also reported on efforts being made to build the capacity of professionals to address the issue of intersectional discrimination and violence against women and girls. In Slovenia, Slovene Philanthropy, an association for the promotion of voluntary work, trained policymakers and professionals working with migrants, refugees and asylum seekers on the specific needs of women and girls at risk and affected by multiple forms of discrimination and violence. The Peace Institute provided intercultural training to professionals who assist women and children survivors of violence and abuse.

## E. Participation and awareness-raising

61. The Durban Programme of Action sets the tone for the full and effective participation of women and girls affected by racism, racial discrimination, xenophobia and related intolerances by, inter alia, calling upon States to involve affected women at all levels of decision-making related to the eradication of such discrimination and in the design, implementation and evaluation of policies and measures that affect their lives; to empower affected women and girls to fully exercise their rights in all spheres of public and private life; and to strengthen and support relevant actors of civil society working to promote gender equality and the advancement of women subject to multiple discrimination.

62. Mexico, Serbia and Spain described efforts that aim at increasing the participation and representation of affected women and girls. The Constitution of Mexico provides for the political participation of indigenous women and their access to decision-making. The political and public participation and leadership of indigenous women and girls is also promoted through a comprehensive package that consists of legislation, programmes and targeted funding to civil society projects. In Serbia, the national strategy for gender equality includes provisions to promote the exercise of active and passive voting rights by Roma women. Spain has promoted the representation of Roma women's organizations in the State Council of the Roma people through affirmative action. As part of its national strategy for the social inclusion of the Roma population, Spain also provided funding to a women's organization working on issues related to violence against women in the Roma community.

63. The Durban Programme of Action urges States to mainstream a gender perspective in the design and development of measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men. Comprehensive information, communication and education that address harmful stereotypes and attitudes are crucial to the prevention of intersectional discrimination and violence against women and girls. In this context, OHCHR produced the documentary film "I am not here", which reveals the harsh reality of living as undocumented migrant domestic workers through the true stories of three women. Oxfam has launched a campaign to eradicate discrimination, stereotypes and violence against indigenous women in Guatemala.

# V. Conclusions and recommendations

64. **States have an obligation to protect all women and girls from intersecting forms of discrimination and violence. The examples compiled in the present report confirm that key gaps persist in a number of areas, including with regard to economic exclusion and poverty, education, health, violence, participation, equality before the law and access to justice.**

65. **The 2030 Agenda for Sustainable Development offers an opportunity to address existing gaps through the implementation of, inter alia, its goals directed towards the promotion of gender equality and women's empowerment, peaceful and inclusive societies and reducing inequality. To deliver on the promise of the 2030 Agenda to leave no-one behind, the High Commissioner recommends that:**

(a) **National legal frameworks expressly and consistently prohibit intersecting forms of discrimination against women and girls, and protect the rights of women and girls affected by them;**

(b) **All laws, policies and practices that legalize and facilitate direct and indirect discrimination and violence against women and girls based on multiple grounds, including race, ethnicity, gender or religion, be abolished, and that non-discriminatory implementation of laws, including those on nationality and citizenship, be ensured;**

(c) **Women and girls affected by intersecting forms of discrimination and violence be afforded equal access to justice and effective means of redress, and gender-sensitive, intercultural and quality education and health services, including sexual and reproductive health services and information;**

(d) **Intersectional analysis be applied in the planning and allocation of public resources, as well as in the design, implementation and review of legislation, policies and programmes, in such areas as migration, development, employment, social protection, poverty reduction, health, education, gender equality, violence against women, racism, racial discrimination and xenophobia, to expose, prevent and respond effectively to the intersecting forms of discrimination and violence faced by women and girls;**

(e) **The participation of women and girls affected by intersecting forms of discrimination and violence be encouraged in public life, collective bargaining and at all levels of policymaking and decision-making processes, including political and institutional, through positive legal measures, affirmative action policies and access to information about rights and entitlements;**

(f) **Systematic and continuous efforts be made to sensitize and build the capacity of professional categories, including the judiciary, the police, border guards, health and education personnel, the public administration, employers and others, to address discriminatory attitudes and stereotypes, to develop an understanding of the intersecting forms of discrimination and violence affecting women and girls, and to apply rights-based and gender and culturally sensitive methods;**

(g) **Legislation, policies and targeted measures be adopted to economically empower women and girls affected by intersecting forms of discrimination and violence by providing employment opportunities, ensuring labour rights, education, training and skills development, access to land, water and financial resources, and gender-sensitive social protection and care services;**

(h) **Monitoring, reporting and protection mechanisms, as well as services, such as emergency helplines, shelters, health and legal services, psychosocial support and trauma counselling, be put in place to assist and safeguard women and girls at risk;**

(i) **National laws, capacities and procedures be strengthened for interpreting grounds of persecution and granting asylum, thereby facilitating international protection for women and girls facing persecution based on a combination of factors, including gender and race, which are often rendered invisible;**

**(j) Protection be provided for women and girls on the move who may not qualify for refugee status but find themselves in a vulnerable situation whether as a result of the circumstances they encounter in their country of origin, in transit or at destination, and/or due to inherent characteristics;**

**(k) The systematic, regular and nationwide collection, integration and dissemination of equality data disaggregated by various grounds be strengthened, while respecting and protecting the right to self-identification and the protection of privacy, and that indicators be developed to measure inequalities on the basis of a combination of such variables as race, ethnicity, religion or gender;**

**(l) Research and analysis on intersecting forms of discrimination against women and girls be strengthened and used to design and review legislation and policies to better address the rights and needs of women and girls at risk of/or affected by intersecting forms of discrimination and violence;**

**(m) Efforts be made to implement comprehensive outreach campaigns that bring together the general public, civil society organizations, local governments, educational institutions, the media and artists to dismantle myths, attitudes and stereotypes that discriminate and exclude women and girls on the basis of a combination of factors, such as gender, race, ethnicity and religion;**

**(n) Relevant intergovernmental reviews, such as for the Sustainable Development Goals and the universal periodic review, address intersecting forms of discrimination and violence against women and girls in the context of racism, racial discrimination and xenophobia;**

**(o) United Nations human rights mechanisms pay specific attention to the monitoring and analysis of the human rights implications of discrimination based on gender and other grounds.**